

Docket No.: 320528489US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Hamid

Patent No.: 7,529,944

Issued: May 5, 2009

For: SUPPORT FOR MULTIPLE LOGIN
METHOD

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicant requests reconsideration of the patent term adjustment indicated on the Issue Notification of April 15, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320528489US from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 727 days. The PTO's calculated patent term adjustment is 443 days. Applicant is entitled to an additional 284 days of patent term adjustment.

The PTO properly accounted for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 786 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 504 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 114 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 449 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $786 + 504 - 114 - 449$, which is 727 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	2/7/2002	↓
First Office Action	6/1/2005	786
Reply	11/1/2005	↓
Non-Final Office Action	9/7/2006	0
Total		786

B Delay		
Filing Date + 3 Years	2/7/2002	↓
Issue Date/First RCE Filed	6/26/2006	504
Total		504

Overlap	
Total	114

Reduction		
Non-Final Office Action	6/1/2005	↓
Reply	11/1/2005	61
Final Office Action	1/24/2006	↓
Reply	6/26/2006	63
Non-Final Office Action	9/7/2006	↓
Reply	3/2/2007	85
Final Office Action	5/15/2007	↓
Reply	10/16/2007	62
Issue Fee Payment Verified	9/19/2008	28
Petition to Revoke Granted	3/13/2009	150
Total		

(iii) Terminal Disclaimer


The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: July 6, 2009

Respectfully submitted,

By 
Cameron B. Pilling
Registration No.: 62,085
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-3982
(206) 359-7198 (Fax)
Attorney for Applicant